

Appl. No. 09/917,088  
Amdt. dated 6/28/2005  
Reply to the Advisory Action of 06/17/2005

### **REMARKS**

Reexamination and reconsideration of this application is requested. After this preliminary amendment, Claims 1-39 remain pending in this application. Applicants submit that the present response places the application in condition for allowance. Entry of the present response is therefore respectfully requested.

### **Telephonic Interview**

Applicants wish to thank Examiner Nguyen for the telephone interview on Friday, June 24, 2005. The Applicants' representatives Jose Gutman participated in the telephone interview.

Discussed were the technical differences of the present invention, namely the method of the Diwan reference wherein a response is sent to a client in the form the client requested and how this differs from the present invention of a first and second network device requesting a first and second portion of information, respectively, and "creating a combined response in response to the first request from the first networked device and the second request from the second networked device, the combined response including the overlapping portion of information requested by the first and second networked devices, the overlapping portion of information destined for reception by the first networked device and by the second networked device".

The Applicants' representative respectfully submits that all grounds for the rejection stated in the Final Office Action have been overcome. The Examiner is invited to call the Applicants' representative at the number listed at the end of this response, if he believes a telephone interview would help advance prosecution.

Applicants have amended Claims 1-2, 4, 11-12, 14, 21-22, 24, and 32-34 to more clearly and distinctly recite the present invention. Amended Claims 1 and 11 and similarly Claims 21 and 32 now more clearly recite "creating a combined response in response to the first request from the first networked device and the second request from the second networked device, the

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combined response including the overlapping portion of information requested by the first and second networked devices, the overlapping portion of information destined for reception by the first networked device and by the second networked device, wherein the combined response comprises a multicast packet". Amended Claims 1, 11, 21, and 32 now more clearly recite that it is the overlapping portion of information that is destined for reception by the first and second networked devices. Claims 2, 12, 22, and 33-34, depended from Claims 1, 11, 21, and 32 and were amended to reflect the amended language in their respective independent claims. Amended Claims 4, 14, and 24, now more clearly recite "wherein the least one TCP packet utilizes multicast transmission for transmitting the at least one packet to the first and second networked devices".

New Claims 39-40 were added to more clearly recite the present invention. Claims 39-40 recite "wherein the multicast packet comprises information for each of the first networked device and the second networked device, the information for creating a first unicast packet destined for reception by the first networked device and a second unicast packet destined for reception by the second networked device, and wherein each of the first unicast packet and the second unicast packet include at least the overlapping portion of information to be delivered to the first networked device and the second networked device, respectively".

Support for these amendments may be found in the specification as originally filed. See for example pages 14-15, 17-21, 28, and 32. Also, support for new Claims 39-40 may be found in paragraph 24 of U.S. Patent Application No. 09/774,505, entitled "Method And System For Efficiently Delivering Content To Multiple Requesters", filed on January 31, 2001, which has been incorporated by reference. No new matter was added.

#### **Claim Rejections - 35 USC § 103**

Applicants respectfully re-assert, in view of the remarks and arguments made in the previous Response dated May 31, 2005, that the claims are distinguishable over the cited prior

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art reference. However, additional remarks are given below, in view of the telephonic interview conducted on June 24, 2005 with the Examiner and the present amendments to the claims, to more clearly point out how the presently claimed invention, as amended, is distinguishable over Diwan.

The Examiner states on page 2 of the Advisory Action dated June 17, 2005, that when a client sends a unicast request to the information provider, the information provider can reply by sending a unicast response back. In Diwan, a client is requesting a response in unicast and receives a unicast response. Alternatively, a client can make a request that the information be sent by multicast. Diwan teaches that the information is then transmitted by conventional multicast, that is, a multicast response is requested and a multicast response is transmitted back.

Conventional multicast as taught by Diwan generally works as follows. When a client wants to subscribe to an agent for multicast reception, the client sends a unicast message notifying the agent that it wishes to subscribe. The agent then responds with a unicast message notifying the client what multicast channel to listen to. The same applies for when the agent wants to receive multicasted information from the information service provider.

In contrast, the present invention recites "receiving a first request from a first networked device, the first request requesting a first portion of information to be delivered to the first networked device as an ordinary unicast packet; receiving a second request from a second networked device, the second request requesting a second portion of information to be delivered to the second networked device as an ordinary unicast packet, the second portion of information requested including an overlapping portion of information that overlaps the first portion of information requested by the first request; collecting the first request and second request into a bucket; and creating a combined response in response to the first request from the first networked device and the second request from the second networked device, the combined response including the overlapping portion of information requested by the first and second networked devices, the overlapping portion of information destined for reception by the first

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networked device and by the second networked device, wherein the combined response comprises a multicast packet”.

In other words, the first and second networked devices are requesting that the requested portions of information be sent as ordinary unicast packets, but instead a novel multicast response is transmitted instead. Nowhere does Diwan teach requesting a response by unicast, creating, in response to the requests of the first and second networked devices, a combined response comprising a multicast packet and including the requested overlapping portion of information. That is, nowhere does Diwan teach, anticipate, or suggest requesting a unicast response, but instead transmitting the requested information by multicast. Therefore, Applicants respectfully re-assert that the rejection of Claims 1-37 under 35 U.S.C. § 103(a) as being unpatentable over Diwan has been overcome and that the rejection should be withdrawn.

Applicants submit that the present response places the application in condition for allowance or, at least presents the application in better form for appeal. Entry of the present response is therefore respectfully requested.

### Conclusion

The foregoing is submitted as full and complete response to the Advisory Action mailed June 17, 2005, and it is submitted that Claims 1-39 are in condition for allowance. Reconsideration of the rejection is requested. Allowance of Claims 1-39 is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

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Applicants acknowledge the continuing duty of candor and good faith to disclose information known to be material to the examination of this application. In accordance with 37 CFR § 1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and the attorneys.

The present application, after entry of this amendment, comprises thirty-nine (39) claims, including four (4) independent claims. Applicants have previously paid for thirty-seven (37) claims including four (4) independent claims. Applicants, therefore, believe that a fee for 2 additional dependent claims of \$100 is currently due.

**If the Examiner believes that there are any informalities that can be corrected by Examiner's amendment, or that in any way it would help expedite the prosecution of the patent application, a telephone call to the undersigned at (561) 989-9811 is respectfully solicited.**

The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account 50-0510.

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In view of the preceding discussion, it is submitted that the claims are in condition for allowance or at least in better form for appeal. Reconsideration and re-examination, and allowance of the claims, is requested.

Respectfully submitted,

Date: June 28, 2005

By:



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